

Notice of Allowability

Application No.

09/945,501

Examiner

Joan M. Olszewski

Applicant(s)

MARTYN, GLENN JOSEPH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 06/03/03; 11/24/03; interview 1/26/04.
2. ☒ The allowed claim(s) is/are 8.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☒ to Paper No./Mail Date 15.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date pgr.#10.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>pgr.#18.</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet.</u> |

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Glenn Martyn on January 29, 2004.

The application has been amended as follows:

In the claims:

Claims 1-7 are cancelled.

Newly drafted Claim 8 as accepted by Applicant has been inserted as follows:

-- Claim 8. A cat tree and scratching post combination which can be used by cats and other animals consisting of:

an artificial tree having a trunk and a plurality of branches extending from a topmost position of said trunk, said branches having artificial leaves attached to the branches for cats to rub their whiskers against, said artificial tree's appearance simulating a real tree;

a plurality of flat horizontal platforms elevated above the ground and directly supported on the tree branches, said platforms having a padded surface and being of a size large enough to support full grown domestic cats for use as a perch or for laying down upon;

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said artificial tree and said branches having a simulated tree bark covering the surfaces thereof said simulated tree bark comprising a rough, hard texture for cats to scratch their claws on;

a rope having a rough texture being wrapped multiple times around a plurality of tree branches for cats to scratch their claws on, the outer most ends of the rope wrapping located adjacent to at least one of said platforms and

an opening formed in the trunk of the tree, said opening being of a size large enough for a cat to enter. --

In the Specification:

Page 1, line 11, the sentence ~~This application claims domestic priority under~~ 35 USC 119(e) based upon provisional application 60/230,046 filed 9/01/2000. ~~has~~ been inserted before "This"

Page 1, line 41 "there" has been changed to -- their --.

Page 1, line 41 "cats" has been changed to -- cat's --.

Page 1, line 42 "there" has been changed to -- their --.

Page 1, line 41 "cats" has been changed to -- cat's --.

Page 5, line 26, "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

Page 5, line 31 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

Page 5, line 32 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

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✓ Page 5, line 34 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 36 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 37 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 39 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 41 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 43 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 44 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

✓ Page 5, line 46 "FIG.11B" has been deleted and -- FIG.10C -- has been inserted.

In the insertion to page 2, amendment B3 the following have been changed:

✓ Page 2, line 9, "ware" has been changed to -- wear --.

✓ Page 2, line 17 "(8)" has been deleted and -- (7) -- has been inserted.

✓ Page 2, line 20, "and/" has been deleted.

✓ Page 2, line 21, "and/" has been deleted.

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✓ Page 2, line 23, after the word "cost" the term -- scoopable -- has been inserted.

✓ In the insertion to page 1, amendment B6, the following have been changed:

✓ Page 1, line 14, "ware" has been changed to -- wear --.

✓ Page 1, line 15 "2" has been deleted and 5 has been inserted.

✓ The Abstract has been deleted and replaced with the following:

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✓ A collection of three pet products; a first product specifically meant for cats can be either a real or simulated tree, having real or simulated leaves and used as a resting area and scratching post. Additionally having one or more padded platforms for perching with rope wrapped around one or more portions of the tree. A second product meant for a combination of animals structured as a one, two or three piece litter box and/or bed/rest area having stairs leading into the box. A third product meant for a combination of animals for eating and drinking, made from real or simulated rocks or stones. And further, requiring a device for circulating water and having one or more food bowls, the bowls also available to in which to place decorative plants or trees or any other type decoration. ✓

Further, Applicant is reminded that new corrected drawings are required in this application because in the Final Office Action mailed December 31, 2003, Applicant received PTO-form PTO-948 (additional copy attached) showing problems with the drawings as identified by the Official Draftsperson for the Office. Applicant is advised to

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employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. In order to avoid abandonment of the Application, Applicant must make these above agreed upon drawing changes.

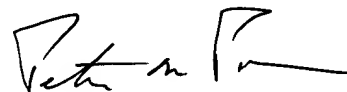
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan M. Olszewski whose telephone number is 703-305-2693. The examiner can normally be reached on Monday-Friday (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Joan M. Olszewski
Patent Examiner
Art Unit 3643

JMO



Peter M. Poon
Supervisory Patent Examiner

2/12/04

